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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,363	09/13/2001	Toru Iwakawa	Q65398	4514

7590 09/16/2004

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EXAMINER

KATCHEVES, BASIL S

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/936,363

Applicant(s)

IWAKAWA, TORU

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,859,105 to Munro further in view of U.S. Patent No. 2,049,555 to Zaparka.

Regarding claims 1, 13 and 14, Munro discloses an anti vibration spring comprised of twisted and bent forms of a plate (figs. 1 & 2: 10, 13). Munro also discloses the spring being secured to a structure (fig. 2) by a sound deadening material (fig. 2: 5, line 89). However, Munro does not specifically disclose the material as being rubber. Zaparka discloses a vibration dampening spring (fig. 2) secured by the use of vibration dampening rubber mounts (fig. 2: 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mitsueda in view of Munro by using vibration dampening rubber mounts, as disclosed by Zaparka, to

create a better sound deadening and resilient connection to the structure and to better resist weather damage.

Regarding claim 2, Munro discloses the spring as being bent outward at least twice in the vicinity of the intermediate part of the spring (fig. 2: 13).

Regarding claim 3, Munro discloses the middle, intermediate are of the spring, as being curved outward (fig. 1).

Regarding claims 4, 6 and 7, Munro does not disclose a cushion round in the center of the reinforcing base member which secures the spring to the structure. However, Zaparka discloses a cushion round at the center of the reinforcing base member (fig. 2: 6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Munro by adding the cushion round disclosed by Zaparka in order to help dampen vibrations transmitted through the spring.

Regarding claims 5 and 8-12, Munro does not specifically claim the use of high tension steel. However, high tension steel is commonly used in the production of heavy duty springs and it would have been obvious to one skilled in the art to produce a heavy duty spring using high tension steel.

Regarding claim 15, Munro discloses an absorbing member fixed to a first portion (fig. 2: 4).

Regarding claim 16, Munro discloses a cushion in the approximate center (fig. 2: 15).

Regarding claims 17 and 18, Munro discloses a curved, outward and swollen intermediate portion (fig. 2: between component 15).

Response to Arguments

Applicant's arguments filed 6/22/04 have been fully considered. Applicant's arguments regarding the objection to the drawings is persuasive. Regarding the combination subcombination rejection included in the previous office action, the applicant has clarified that the instant application is drawn only to the reinforcing holder and not to a building. Applicant should note that the above rejection has been modified from the previous office action in response to the applicant's clarification of the claimed subject matter which does not include a building. Since the applicant has clarified that a building is not being claimed, the Mitsueda reference is not relevant to the subbcombination reinforcing holder. Applicant argues that the combination of the Munro and Zaparka references are irrelevant to the instant application because they are directed to components of a vehicle whereas the instant application's intended use is for an earthquake proof construction component. Applicant must note that the instant application is directed to a reinforcing holder and the basic claim structure, as claimed, is found in the combination references. The examination is based on the claim structure. Since the combined references meet the limitations of the instant application, *as claimed*, the use of the combined references may be the same as that of the intended use of the instant application. Applicant argues that the references cannot be combined with hindsight derived from the applicant's own teachings. However, both the Munro and Zaparka are analogous art. They are both intended to dampen vibrations.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (703) 306-0232. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (703) 308-0832.

BK 

8/31/04


Carl D. Friedman
Supervisory Patent Examiner
Group 3600